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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 99,089)

the Application of:)
)
Mark O. Vogel)
)
Serial No.: 09/318,460)
)
Filed: May 25, 1999)
)
For: METHOD FOR DYNAMIC)
PERFORMANCE)
OPTIMIZATION IN A)
DATA-OVER-CABLE SYSTEM)

Group Art Unit 2666
Examiner: Melanie Jagannathan
Confirmation No. 1443

RECEIVED

JUL 23 2004

TRANSMITTAL LETTER

Technology Center 2600

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. I am transmitting herewith the attached:
 - a) Response to Office action;
 - b) One return receipt postcard;
2. With respect to fees:
 - a) A check in the amount of \$402.00 is enclosed.
 - b) Please charge any underpayment or credit any overpayment to Deposit Account, No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 13, 2004.

Respectfully submitted,

Robert J. Irvine III

Reg. No. 41,865

Date: July 13, 2004